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January 24, 1997

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JAN 24 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

Re: MM Docket No. 87-268
Advanced Television Systems and Their Impact
Upon the Existing Television Broadcast Service

Dear Mr. Caton:

Transmitted herewith on behalf of Dimension Broadcasting Company, L.L.C., are an original and five copies of its reply comments in connection with the *Sixth Further Notice of Proposed Rule Making*, 11 FCC Rcd 10968 (1996), in the above-referenced proceeding.

The deadline for filing reply comments in this proceeding originally was December 23, 1996. However, by *Second Order Extending Time for Filing Reply Comments*, DA 97-23 (released January 8, 1997), the deadline was extended to January 24, 1997.

Should any questions arise concerning this matter, please communicate directly with this office.

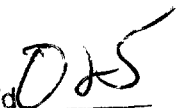
Very truly yours,



Andrew S. Kersting
Counsel for
Dimension Broadcasting Company, L.L.C.

Enclosures

cc (w/ encl.): Mr. Clay Pendarvis (by hand)
David D. Oxenford, Jr., Esq. (by first-class mail)



BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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JAN 24 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

Advanced Television Systems
and Their Impact upon the
Existing Television Broadcast
Service

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MM Docket No. 87-268

To: The Secretary

REPLY COMMENTS OF
DIMENSION BROADCASTING COMPANY, L.L.C.

Dimension Broadcasting Company, L.L.C. ("Dimension"), applicant for a new television station to operate on Channel 41 at Alexandria, Louisiana, hereby submits these reply comments in connection with the *Sixth Further Notice of Proposed Rule Making*, 11 FCC Rcd 10968 (1996) ("*Sixth Further Notice*"), in the above-captioned proceeding.¹

I.
Introduction

The Commission allotted NTSC Channel 41 to Alexandria, Louisiana, nearly 30 years ago. Dimension filed its application for Channel 41 at Alexandria on May 26, 1994 (File No. BPCT-940526KE). A subsequent application was filed for the same channel on September 20, 1996, by KB Communications Corporation (File No. BPCT-960920IX). Nevertheless, the allotment of Channel 41 at Alexandria has been omitted from the draft DTV Table of Allotments in this proceeding. See *Sixth Further Notice*, 11 FCC Rcd at 11035 (Appendix B). For the reasons stated

¹ The deadline for filing reply comments in this proceeding was extended to January 24, 1997, by *Second Order Extending Time for Filing Reply Comments*, DA 97-23 (released January 8, 1997).

herein, Dimension respectfully requests that the Commission revise its draft DTV Table of Allotments to preserve the allotment of Channel 41 at Alexandria, or, alternatively, allot a substitute channel to that community.

II.

Retaining the Allotment of Channel 41 at Alexandria or Substituting an Alternative Suitable Channel to that Community Is Consistent With the Development of the DTV Table of Allotments and Will Serve the Public Interest

Alexandria is the seat of Rapides Parish and is a principal business center. According to the 1990 U.S. Census, Alexandria has a population of 49,188 persons.²

Channel 41 was allotted to Alexandria in 1967, long before the Commission imposed its “freeze” on the filing of construction permit applications for new television stations.³ Although a construction permit was issued to Haynes Communications Company (BPCT-830427KE), the permittee failed to construct the facility and the permit was ultimately rescinded on August 31, 1987, after the Commission’s ATV freeze had commenced. Thus, although the residents of Alexandria and the surrounding area have been waiting more than a decade for an additional television service on Channel 41, that service has been blocked by a freeze which was triggered prior to the channel becoming available.

As noted above, the draft DTV Table of Allotments set forth in the *Sixth Further Notice* does not preserve the existing NTSC Channel 41 at Alexandria. Instead, the proposed Table assigns Channel 41 to the nearby communities of Lafayette and Shreveport, Louisiana, as companion DTV

² *Rand McNally Commercial Atlas & Marketing Guide*, p. 355 (127th ed. 1996).

³ *Advanced Television Systems and Their Impact on the Existing Television Broadcast Service*, RM-5811, 1987 FCC LEXIS 3477 (July 17, 1987), 52 Fed. Reg. 28346 (1987) (“Freeze Order”).

channels for the existing Channel 3 allotments at each of those communities. In addition, the proposed Table assigns Channel 41 to Jackson, Mississippi, as a companion DTV channel for the existing channel 40 allotment at Jackson. *Sixth Further Notice*, 11 FCC Rcd at 11035-36, 11040. The draft Table also assigns Channel 43 to Station KALB-TV, Alexandria, Louisiana, which further precludes the use of Channel 41 at Alexandria due to the UHF “taboo” relationship with the existing Channel 41 allotment. *See Id.* at 11035.

Although the Commission proposed to delete all vacant NTSC commercial allotments, in order to permit parties to file applications which were being prepared at the time the *Notice* was issued, the Commission announced that it would continue to accept applications for new NTSC stations that were filed no later than 30 days from the date the *Sixth Further Notice* was published in the Federal Register. *Sixth Further Notice*, 11 FCC Rcd at 10991-92, ¶¶58, 60. The Commission also stated that it would continue to process applications already on file and those that were filed “before the end of this filing opportunity” under its current policy of considering requests for waiver of its 1987 Freeze Order on a case-by-case basis.⁴ *Id.* at 10992, ¶60. Thus, the *Sixth Further Notice* made clear that the Commission has no intention of deleting allotments which are the subject of pending applications.

As indicated above, there currently are two applications pending for the Channel 41 allotment at Alexandria. Both applications were filed before the cut-off date set forth in the *Sixth Further Notice*, and each application requests a waiver of the Commission’s Freeze Order. Thus, in accordance with the *Sixth Further Notice*, both applications should be accepted for filing. *Sixth Further Notice*, 11 FCC Rcd at 10992, ¶60.

⁴ *See Freeze Order.*

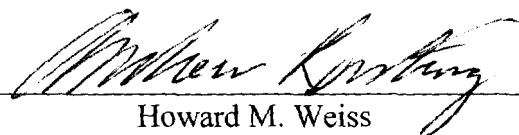
In the alternative, due to the relatively sparse population between New Orleans and Houston, there are a number of alternative channels that are suitable for allotment to Alexandria. Therefore, in the event the Commission should determine that it is not feasible to maintain the existing Channel 41 allotment at Alexandria, Dimension requests that the Commission allot a substitute channel to permit the institution of an additional television broadcast service at Alexandria.

III. Conclusion

As demonstrated herein, the draft DTV Table of Allotments should be revised to reflect the existing NTSC allotment of Channel 41 at Alexandria, and the Commission should assign suitable alternative DTV channels to the communities of Alexandria, Lafayette, and Shreveport, Louisiana, and Jackson, Mississippi. Alternatively, the Commission should assign a suitable replacement channel for the existing Channel 41 allotment at Alexandria and revise the existing Table of Allotments and draft DTV Table of Allotments accordingly.

Respectfully submitted,

DIMENSION BROADCASTING COMPANY, L.L.C.

By: 
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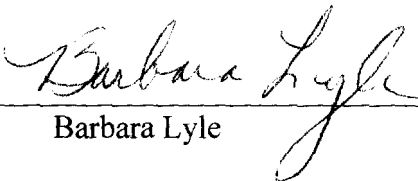
January 24, 1997

CERTIFICATE OF SERVICE

I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., hereby that on this 24th day of January, 1997, copies of the foregoing "Reply Comments of Dimension Broadcasting Company, L.L.C.," were hand delivered or mailed first-class, postage pre-paid, to the following:

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Mass Media Bureau
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